ORDER:

Challenging the action of the respondents in taking steps to auction the mortgaged properties in respect of loan no.979/NFS/2000, dated 30.09.2000, in E.P. No.6991/OSD/0203 without any notice or due process of law, before completion of instalment schedule in spite of payment of monthly instalments, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation appearing for the respondents.

The learned counsel for the petitioner contended that without giving an opportunity or any notice, the sale certificate has been passed by the competent authority and it is not binding on the petitioner.

The learned Government Pleader, on the other hand, contended that the said certificate in claim no. 200, dated 23.09.2002 has not been challenged in this Writ Petition, but only the form no.9, which is an auction notice, is challenged.

Auction notice is issued in pursuance of an award/decree passed by the competent authority. Since the award is not under challenge, issuance of Form no.9-notice to auction the properties can not be said to be contrary to the provisions of the A.P. Co-operative Societies Act, 1964.

The learned counsel for the petitioner contended that the instalment schedule for repayment of the loan amount is available till April, 2008 and so, the petitioner has got a right to pay the instalments as per the

schedule and as a matter of fact, the petitioner has been paying the instalments regularly. But, it is not for this Court to decide whether the petitioner is paying the instalments or not. Once the decree is passed, question of granting instalments or the original loan schedule, can not be taken into consideration. As a matter of fact, there is no infringement of any right of the petitioner alleged in this Writ Petition.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

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(K.C.Bhanu, J.)

12.09.2005

DRK